

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:20-cv-00185-MR

JASON D. MOSLEY,)
Plaintiff,)
vs.)
N.C. DEPARTMENT OF)
PUBLIC SAFETY,)
Defendant.)

)

ORDER

THIS MATTER is before the Court on its own motion on review of the docket in this matter.

On November 6, 2020, pro se Plaintiff Jason D. Mosley (“Plaintiff”), a prisoner of the State of North Carolina currently incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina, filed a “Petition for Judicial Review” with this Court. [Doc. 1]. Plaintiff seeks “judicial relief, by way of transfer” and reversal of a decision by the Grievance Resolution Board. [Doc. 1 at 3]. Plaintiff filed his Complaint without paying the filing fee and without filing an application to proceed without prepayment of fees. On November 19, 2020, the Clerk of Court sent Plaintiff a deficiency notice advising Plaintiff that he must file an application to proceed without

prepayment of fees or pay the filing fee within 21 days. [Doc. 3]. The Clerk enclosed a copy of the application and advised the Plaintiff that his failure to comply may result in the dismissal of this action without prejudice for failure to prosecute. [Id.].

At this time, Plaintiff has failed to file the application to proceed without prepayment of fees or pay the filing fee. As such, the Court will dismiss Plaintiff's Complaint without prejudice to refile a complaint if he so chooses.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Complaint [Doc. 1] is dismissed without prejudice for failure to comply with the Clerk's Notice of Deficiency [Doc. 3].
2. The Clerk is instructed to terminate this action.

IT IS SO ORDERED.

Signed: February 2, 2021



Martin Reidinger
Chief United States District Judge

